

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 20

REMARKS

Claims 1-27 and 35-47 are pending in the application. Claims 28-34 have been canceled. Claims 1-3, 5, 9, 10, 13-15, 18, 19, 21, 23, 26, 36, 37, 41, 45, and 47 have been amended.

Applicants have amended Claims 1-3, 5, 23, 45, and 47 in accordance with the Examiner's objections for informalities. These amendments do not constitute new matter, and their entry is respectfully requested. Reconsideration and withdrawal is respectfully requested of the objections to the claims as set forth in the Office Action at paragraph 4.

The Examiner objected to Claim 47's software package features "for managing database...appropriate level of management" for not being supported by the specification. Applicants respectfully refer to lines 25-27 on page 6 for the specification supporting this element of the claim as originally presented. Reconsideration and withdrawal is respectfully requested of the objections to Claim 47 as set forth in the Office Action at paragraph 4.

Claims 1-3, 6, 8, 9, 11-13, 20-27, 32, and 33 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,764,003 (hereinafter Martshitsch). Applicants respectfully traverse the rejection of Claim 1, and submit that Martshitsch does not anticipate Claim 1. Claim 1 has been amended to further distinguish the present invention from the Martshitsch reference. Martshitsch does not disclose a controller device for directly controlling vending operations of a vending machine. Martshitsch's

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 21

extension module (41) is directly and digitally interfaced to the vending machine controller via the controller's system bus. See column 4, lines 25-32. The controller device of the present invention is directly interfaced to the analog circuits of the vending machine, including the dispensing circuit, the sold out circuit, the coin mechanism, and display/selection buttons. Furthermore, Martshitsch does not disclose a controller device that, upon receipt of a short message, initiates a vending operation, directly controls the vending operation and communicates transaction information of the vending operation to a central computer. Martschitsch's extension module (41) does not control the vending machine operations. Instead, it communicates with the vending machine operations by sending commands to the vending machine controller that controls the vending machine. See column 5, lines 2-6. The controller device of the present invention directly controls the vending machine operations.

Accordingly, it is submitted that independent claim 1 defines patentable subject matter over Martshitsch. Claims 2-14 depend from Claim 1 and are also believed to define patentable subject matter over Martshitsch at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Further, Applicants respectfully traverse the rejection of Claim 21, and submit that Martshitsch does not anticipate Claim 21. Claim 21 has been amended to further distinguish the present invention from the Martshitsch reference. Martshitsch does not disclose a quantity counter circuit that obtains merchandise quantity data from a vending machine and for communicating the quantity data to a controller device. The

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 22

Examiner cites column 5, lines 14-17 and column 6, lines 26-30 in support of his assertion that Martshitsch discloses a quantity counter circuit. Applicants respectfully point out that Martshitsch merely discloses traditional object identifiers used to identify a product and its respective price to a service terminal. See column 6, lines 26-30 and col. 7, lines 65-66. Martshitsch includes no mention of merchandise quantity data, as in the present invention. Martshitsch does not disclose a quantity counter circuit, nor does Martshitsch teach that the object identifiers are capable of identifying quantity information.

Also, Martshitsch does not disclose a controller for acquiring inventory and transaction data and for directly controlling vending operations of the vending machine, with the controller initiating a vending operation upon receipt of a first short message service originated from a purchaser, to collect transaction information about the vending operation, and to transmit the transaction information and the merchandise quantity data to a central computer. The Examiner cites column 5, lines 14-17 and column 9, lines 42-48 in support of his assertion that Martshitsch discloses a controller for acquiring inventory and transaction data and for directly controlling vending operations of the vending machine. Applicants respectfully point out that Martshitsch merely discloses traditional object identifiers used to identify a product and indicate the product to a customer. See column 6, lines 26-30 and col. 7, lines 65-66. Martshitsch does not disclose a controller device for acquiring inventory data and transmitting the merchandise quantity data to a central computer. Additionally, Martshitsch's extension module (41) is directly and digitally interfaced to the vending machine controller via the controller's system bus. See column 4, lines 25-32. The controller

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 23

device of the present invention is interfaced to the analog circuits of the vending machine, including the dispensing circuit, sold out circuit, coin mechanism, and display/selection buttons. The controller device of the present invention does not interface to the vending machine controller.

Furthermore, Martshitsch does not disclose a controller device that, upon receipt of a short message, initiates a vending operation, directly controls the vending operation and communicates transaction information of the vending operation to a central computer. Martschitsch's extension module (41) does not directly control the vending machine operations. Instead, it handshakes with the vending machine operations by sending commands to the vending machine controller that controls the vending machine. See column 5, lines 2-6. The controller device of the present invention directly controls the vending machine operations.

Accordingly, it is submitted that independent claim 21 defines patentable subject matter over Martshitsch. Claims 22-27 depend from Claim 21 and are also believed to define patentable subject matter over Martshitsch at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 4, 5, 15, 28-31, and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martshitsch in view of U.S. Pat. No. 6,056,194 (hereinafter Kolls). Applicants respectfully traverse the rejection of Claim 15, and submit that Martshitsch in view of Kolls does not discuss or suggest every feature recited in Claim 15. Claim 15 has been amended to further distinguish the present invention from those

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 24

discussed in the cited references. Martshitsch does not disclose a controller device for directly controlling vending operations of a vending machine, the controlling device being adapted to initiate a vending operation and transmit transaction information of the vending operation to a central computer. Martschitsch's extension module (41) is directly and digitally interfaced to the vending machine controller via the controller's system bus. See column 4, lines 25-32. The controller device of the present invention is directly interfaced to the analog circuits of the vending machine, including the dispensing circuit, sold out circuit, coin mechanism, and display/selection buttons.

Furthermore, Martshitsch does not disclose a controller device that, upon receipt of a short message from a purchaser, simulates and sends a purchase signal to the vending machine to thereby initiate the vending operation and sends vending transaction information to the central computer. Martschitsch's extension module (41) does not control the vending machine operations. Instead, it communicates with the vending machine operations by sending commands to the vending machine controller that controls the vending machine. See column 5, lines 2-6. Also, Kolls's network nodes (28, 30, and 32) are interfaced with the vending machine through a coin changer interface of the vending machine. See column 6, lines 13-15. The controller device of the present invention directly controls the vending machine or simulated operations.

Accordingly, it is submitted that independent claim 15 defines patentable subject matter over Martshitsch in view of Kolls. Claims 16-20 depend from Claim 15 and are also believed to define patentable subject matter over Martshitsch in view of Kolls at

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 25

least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicants respectfully traverse the rejection of Claims 36, and submit that Martshitsch in view of Kolls does not discuss or suggest every feature recited in Claims 36.

Martshitsch does not disclose a computer program for controlling wireless purchase from an on-line inventory managing merchandise in a vending machine, the computer program comprising software for obtaining merchandise quantity data from the vending machine. Although the Examiner does not cite any support for Martshitsch disclosing a computer program comprising software for obtaining merchandise quantity data from the vending machine, Applicants respectfully point out that Martshitsch merely discloses traditional object identifiers used to identify a product and its respective price to a service terminal. See column 6, lines 26-30 and col. 7, lines 65-66. There is no mention of the merchandise quantity data of the present invention by either Martshitsch or Kolls.

Accordingly, it is submitted that independent claim 36 defines patentable subject matter over Martshitsch in view of Kolls. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 7, 10, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martshitsch in view of U.S. Pat. No. 6,457,038 (hereinafter Defosse). Claims 7, 10, and 14 depend from Claim 1 and are also believed to define patentable subject matter over Martshitsch at least for the reasons set forth above. Reconsideration and

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 26

withdrawal of this rejection is respectfully requested.

Claims 37 and 40-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martshitsch in view of Kolls further in view of U.S. Pat. No. 5,930,771 (hereinafter Stapp), further in view of Defosse, further in view of U.S. Pat. No. 5,963,452 (hereinafter Etoh). Applicants respectfully traverse the rejection of Claims 37, and submit that Martshitsch in view of Kolls further in view of Stapp, further in view of Defosse, further in view of Etoh does not discuss or suggest every feature recited in Claims 37. Claim 37 has been amended to further distinguish the present invention from the prior art. Martshitsch does not disclose a system for purchasing merchandise from a vending machine through a cellular telephone where the system comprises a control and communication unit means for performing inventory data acquisition, directly controlling vending events, determining alert status, storing vending transaction information, and communicating alert message and vending transaction information to a central computer. Martshitsch's extension module (41) does not directly control vending events. Instead, it communicates with the vending machine operations by sending commands to the vending machine controller that controls the vending machine. See column 5, lines 2-6. The controller device of the present invention directly controls the vending events.

Martshitsch does not disclose a system for purchasing merchandise from a vending machine through cellular telephone where the system comprises a vending transaction information comprising, for a plurality of storage compartments and for a plurality of vending transactions, data representing every transaction date, time, compartment

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 27

from which the merchandise is dispensed, quantity counter value, and payment type and account, wherein if the payment is in cash, the payment account has a null entry; if the payment is by a cellular mobile phone, the payment account is the phone number, and if the payment is by a stored value card or credit card, the payment account is the account of the stored value card or credit card. The Examiner cites Martshitsch's transaction module (36), service terminal controller (42), and communication module (411) in support. Applicants respectfully point out that none of these elements disclose vending transaction information comprising data representing every compartment from which the merchandise is dispensed and quantity counter value.

Neither Martshitsch nor Defosse disclose a system for purchasing merchandise from a vending machine through a cellular telephone where the system comprises an alert information means for a plurality of storage compartments for composing an alert message if the inventory in these compartments falls below one of the compartment margin, flavor margin, or the total margin. The Examiner cites Defosse at column 5, lines 14-28 to assert that this element of the present invention has been anticipated by prior art. Applicants respectfully point out that while Defosse's network operations center control (28) may be able to send an alert or alarm if the inventory is sold out in the compartments, it cannot send an alert if the inventory falls below either compartment margin or flavor margin.

Neither Martshitsch nor Defosse disclose a system for purchasing merchandise from a vending machine through cellular telephone where the system comprises a power

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 28

management circuit means for detecting and switching on and off of the AC power supply and providing an alternative power supply if the AC power supply is switched off, for charging a backup battery when the AC power supply is switched on, and for providing power supply to the micro-controller and its peripherals for a period of time until the vending transaction information has been communicated to the central computer. The Examiner cites Defosse at column 5, lines 14-28 to assert that Defosse's network operations center control (28) is able to detect when a power outage occurs. However, Defosse's network operations center control (28) is not able to switch on and off the AC power supply and providing an alternative power supply if the AC power supply is switched off, charge a backup battery when the AC power supply is switched on, and provide power supply to the micro-controller and its peripherals for a period of time until the vending transaction information has been communicated to the central computer.

Martshitsch does not disclose a system for purchasing merchandise from a vending machine through cellular telephone where the system comprises a quantity counter means for a mechanical number counter of the vending machine providing a total count of the sales since the vending machine is first installed. Applicants respectfully point out that the Examiner has not provided any citations to this element of the present invention.

Neither Martshitsch nor Defosse disclose a system for purchasing merchandise from a vending machine through cellular telephone where the system comprises a service switch means for providing one or more electronic pulses to specify whether it is a refill

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 29

service or a refill plus flavor change service. The Examiner cites column 5, lines 14-28 to assert that Defosse's network operations center control (28) is able to provide one or more electronic pulses to specify whether it is a refill service or a refill plus flavor change service. Applicants respectfully point out that the cited text does not support Defosse disclosing this element of the present invention.

Accordingly, it is submitted that independent claim 37 defines patentable subject matter over Martshitsch in view of Kolls further in view of Stapp, further in view of Defosse, further in view of Etoh. Claims 40-46 depend from Claim 37 and are also believed to define patentable subject matter over Martshitsch in view of Kolls further in view of Stapp, further in view of Defosse, further in view of Etoh at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martshitsch in view of Kolls further in view of Stapp, further in view of Defosse, further in view of Etoh, further in view of U.S. Pat. No. 5,495,929 (hereinafter Batalianets). Claims 38 and 39 depend from Claim 37 and are also believed to define patentable subject matter as discussed above. Reconsideration and withdrawal of this rejection is respectfully requested.

In summary, Applicants submit that they have addressed and overcome all of the pending rejections and objections lodged in the Office Action, and that the application is now in condition for allowance. Applicants request notice to this effect at the

Applicants : Hon Ching YUNG et al.
Serial No. : 09/803,818
Filing Date : March 12, 2001
Page 30

Examiner's earliest convenience.

On April 16, 2004, Applicant submitted forms PTO/SB/82 and PTO/SB/81, indicating a Change of Correspondence Address and a new attorney of record for the above-identified patent application. Please address all future correspondence regarding this matter to:

Robert D. Katz, Esq. – Registration No. 30,141
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036
Tel. (212) 278-0400
Fax (212) 391-0525
rkatz@cooperdunham.com

Review and entry of this information is respectfully requested.

No fee is believed to be required in connection with the filing of this Communication. However, the Commissioner is hereby authorized to charge any fees required in connection with the filing of this Communication to Deposit Account No. 03-3125.

Respectfully submitted,

Dated: Dec 6, 2004

By: Robert D. Katz

Robert D. Katz – Reg. No. 30,141
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400